

August 28, 2009

TO: Paul Hampton

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Clyde (Paul) Hampton v. Department of Corrections (DOC)
Allocation Review Request ALLO-08-105

On August 13, 2009, I conducted a Director's review telephone conference regarding the allocation of your position. You and Captain Edwin Reetz from Clallam Bay Corrections Center (CBCC) participated in the conference. Human Resources (HR) Consultants Tina Cooley and Joanne Harmon also participated in the conference on behalf of DOC.

Director's Determination

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position should be reallocated to the Locksmith Supervisor classification.

Background

On April 9, 2007, you completed a Position Review Request (PRR) form, asking that your position be reallocated from a Locksmith to the Maintenance Mechanic 4 classification. A Position Description Form (PDF) was also completed for your position on April 9, 2007. Your supervisor, Lieutenant Donald Taber, and Captain Edwin Reetz signed the PDF. Captain Reetz also signed the Position Review Request form, agreeing with your description of duties.

On May 5, 2008, HR Consultant Joanne Harmon conducted a desk audit of your position. During the Director's review conference, Ms. Cooley and Ms. Harmon explained that DOC's management had also been reviewing "stand alone" Locksmith positions at all DOC facilities around the same time period. They explained that a "stand alone" Locksmith did not report to a Locksmith Supervisor. Ms. Harmon also confirmed that the Desk Audit Report included work you performed at the time of the audit in May 2008 and that those

duties were considered in DOC's allocation determination on December 1, 2008. Gina Maines, Human Resources Manager at CBCC issued the December 1, 2008 allocation determination letter. Specifically, DOC concluded the majority of your assigned work involved the maintenance and repair of locks and locking devices, noting your work on locking devices included maintenance of the motors that operate cell doors, security doors, and gates. DOC determined that your locksmith duties were performed at the specialist level and reallocated your position to the Locksmith Lead classification.

On December 23, 2008, the Department of Personnel received your request for a Director's review of DOC's allocation determination.

The following summarizes your perspective as well as your employer's:

Summary of Mr. Hampton's Perspective

Mr. Hampton asserts the work assigned to his position does not fit within the Locksmith classes because he does not work on actual key locks the majority of the time. Instead, Mr. Hampton contends he performs maintenance and repairs on mechanized security systems for sliders, gates, and mechanical devices, which he describes as machinery and equipment. Mr. Hampton notes that he works on electric motors and wiring and that he welds and fabricates parts as needed to make repairs. Mr. Hampton states that he performs all aspects of the work related to the detention systems, which may include repairs to the sliding door assembly, track, or carpenter work to rebuild a frame. Mr. Hampton indicates that he receives maintenance work orders from the Plant Manager but for security reasons reports to Captain Reetz regarding key control issues. Mr. Hampton also asserts that he supervises offenders assisting him with maintenance tasks. In addition, Mr. Hampton indicates that Maintenance Mechanic 4 positions have assisted him with large projects and that a Maintenance Mechanic 4 backs up his position. Mr. Hampton believes the Maintenance Mechanic 4 classification fits the variety of maintenance work and level of responsibility assigned to his position.

Summary of DOC's Reasoning

DOC acknowledges that Mr. Hampton receives work orders from the Plant Manager but contends the work is assigned in conjunction with key control. DOC recognizes that Mr. Hampton performs work on mechanical devices but asserts the work is directly related to locking systems and locksmith duties. DOC describes the electronic detention systems maintained by Mr. Hampton as locking systems and notes that skilled work on locking systems is included in the Locksmith classes. DOC acknowledges that a Maintenance Mechanic 4 position may back up Mr. Hampton's position but contends that Maintenance Mechanic positions perform work in a variety of disciplines. DOC asserts the primary focus and majority of duties assigned to Mr. Hampton's position involve maintenance and repair of locking systems at the institution. Because Mr. Hampton does not report to a Locksmith Supervisor and is considered a "stand alone" Locksmith, DOC describes Mr. Hampton's position as a specialist level position. DOC contends Mr. Hampton's position does not reach the expert level because another maintenance position can backup his duties. In

addition, DOC contends that Locksmith Supervisor positions at DOC supervise other Locksmith positions. DOC notes that Mr. Hampton supervises offenders performing maintenance tasks. Therefore, DOC believes the Locksmith Lead is the appropriate classification for Mr. Hampton's assigned duties and responsibilities.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Little-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

In determining the duties and responsibilities assigned to your position, I reviewed the PDF (Exhibit B-1); the Position Review Request (Exhibit B-2); and the Desk Audit Report (Exhibit B-3).

The documents describe the position objective or purpose of your position as performing "skilled, journey-level locksmith work in the repair, installation, and construction of institutional locks and locking devices" (Exhibits B-1 & 2). The majority of work (55%) is summarized as follows:

- Repair mechanical security devices;
- Maintain all mechanical devices on cell doors, security doors, exterior security gates, mechanical drive motors, actuators, hydraulic and pneumatic actuators;
- Rebuild all mechanical locking devices, which includes:
 - Fabricating parts
 - Welding
 - Reading plans/blueprints; making designs/drawings; consulting manuals and coordinating with contractors to ensure proper locking devices are installed to maintain security.
- Ordering materials and maintaining an adequate inventory of materials to complete maintenance work.
- Develop preventive maintenance

The Desk Audit also supports work on detention locks, which includes sliders, entry doors, and cell locks, as well as repair and maintenance to the motors needed to operate the devices. During the Desk Audit with Ms. Harmon, you explained that preventive maintenance includes rebuilding the lock system box by taking it apart and replacing certain pieces. As an example, you may work on a clutch assembly for a slider or gate. You also indicated that you perform some electrical work and may work with Electronic Technicians

to figure out power issues or work on electrical switches for roll-up door mechanisms. You stated that you may perform carpentry work, for example to fix sagging hinges. You indicated that a contractor installs the sliders and that you may assist the contractor by giving measurements and working with the contractor to get the right parts.

Additionally, you indicated that you read welding blueprints and building codes for the facility and inspect your own work in accordance with the blueprints to ensure compliance with the codes. You also perform welding and torching and fabricate parts needed for a lock or control. During the Director's review conference, you indicated that whenever possible, you fabricate replacement parts. You asserted the majority of work described on the PDF and the duties you described during the desk audit are not locksmith duties. Instead, you characterized your work on these mechanized locking systems as maintenance mechanic work.

Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

The class series concept for the Maintenance Mechanic classes reads as follows (Exhibit B-6):

Positions in this series perform general maintenance, repair, remodeling and construction duties utilizing working knowledge of several related skill fields such as electrical, plumbing, carpentry, welding, painting and machinist work. Incumbents inspect, repair, install and maintain physical facilities, locks and maintain and repair machinery and equipment. Positions may be required to lead or supervise and instruct offenders, inmates or residents in general maintenance activities.

The definition for the **Maintenance Mechanic 3** (class code 626L) reads as follows (Exhibit B-8):

This is the senior, specialist or leadworker level of the series. Positions at this level perform skilled work in more than one trade or craft. Incumbents typically specialize in one trade or craft but perform journey-level and semi-skilled work in a variety of disciplines. Incumbents perform construction, maintenance, repair and modification of buildings, facilities, mechanical equipment, machinery and specific apparatus and utilize a working knowledge of several related skill fields such as plumbing, electrical, welding, carpentry, and machinist work.

The definition for the **Maintenance Mechanic 4** (class code 626M) reads, in part, the following (Exhibit B-9):

This is the supervisory or expert level of the series. Positions at this level are responsible for shop administration and supervising maintenance personnel, equipment mechanics or others performing skilled maintenance, repair and modification of plant machinery and mechanical equipment involved with buildings, special apparatus, utilities and facilities.

While I recognize some of the maintenance tasks you perform may be included in the Maintenance Mechanic classifications, the context in which you perform these tasks is to maintain and repair the detention locking systems at CBCC. In a broader context, an assignment to maintain locks as part of general maintenance duties and responsibilities may fit into the Maintenance Mechanic classes. However, the primary focus of your position is to perform skilled locksmith work on the detention systems, which I realize are complex, mechanized locking systems.

The Personnel Resources Board (PRB) has previously addressed similar issues when duties appear to fit in more than one class. The PRB concluded that while one class appeared to cover the scope of a position, there was another classification that not only encompassed the scope of the position, but specifically encompassed the unique functions performed. Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008). Further, the Board has consistently held that “[w]hen there is a definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class with the definition that includes the position” Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989).

Your position has specifically been tasked with performing skilled locksmith work in the repair, installation, and construction of locks and locking devices. The Locksmith class definition (class code 615E) specifically states that incumbents function as “fully qualified journey-level locksmith[s]” and “perform a variety of duties in skilled locking systems repair and installation work” (Exhibit B-4). Therefore, the Maintenance Mechanic series is not the best fit for your position.

I reviewed the other position description you submitted to gain a better understanding of CBCC’s organizational structure of maintenance related positions (Exhibit C-4). During the Director’s review conference, Ms. Cooley and Ms. Harmon acknowledged that some maintenance mechanic and locksmith work may overlap. However, they pointed out that positions assigned to the Maintenance Mechanic classes perform a variety of maintenance tasks a majority of the time. In contrast, Ms. Cooley and Ms. Harmon explained that positions assigned to the Locksmith classes may perform some maintenance duties, but those duties are in support of locksmith work, which constitutes the majority of assigned work. They also noted that agency-wide, locksmith work varies from one institution to the next, depending on the institution’s needs.

In Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Board held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position." Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

Additionally, most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Based on the majority of your position's duties and responsibilities, the Locksmith class series is the best fit for your position.

When considering the classes in the Locksmith series, I reviewed the classes revised by the Department of Personnel, effective July 1, 2007. Although your Position Review Request is dated April 9, 2007, DOC also considered the duties you were performing at the time of the Desk Audit in May 2008. Therefore, the December 1, 2008 allocation determination is based on the analysis of work that includes work performed after July 1, 2007, as evidenced by the decision to allocate to the Locksmith Lead class. The revised classes no longer require the incumbent to lead or supervise to be allocated to the Locksmith Lead or Locksmith Supervisor classes, respectively. The **Locksmith Lead** classification states, in part, the following: "This is the senior, specialist, or leadworker level of the series" (Exhibit B-5). The Department of Personnel Glossary of terms for Classification, Compensation, & Management defines **specialist** duties as those involving "intensive application of knowledge and skills in a specific segment of an occupational area."
<http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools.as>

DOC determined your duties meet the specialist level of the series. Further, although the PDF has not designated your position as a leadworker or supervisor, both parties have indicated that you supervise offenders who assist you with maintenance tasks. While I agree the duties you perform are very specialized, I conclude that the duties and scope of responsibility assigned to your position exceed the specialist level of the series.

Similar to the definition for a Locksmith Lead, the **Locksmith Supervisor** definition states, in part, "[t]his is the supervisory or expert level" (Exhibit D-1). The Department of Personnel's glossary does not specifically define expert. However, at CBCC, your position has been assigned sole responsibility for all maintenance and repair work on all detention locking systems for the institution. As such, your position requires a high degree of skill and knowledge about the intricacies of each detention or security system. In addition, the

typical work examples described in the Locksmith Supervisor class specification represent a similar level of work assigned to your position.

As the only locksmith position within your facility, you have the expertise to install, operate, and maintain the locking systems. You work directly with manufacturers when guidance is needed on the mechanics of a system, and you train designated maintenance staff to perform emergency backup locksmith functions as needed. In addition, your position has responsibility for designing and drawing plans to fabricate needed parts and reading blueprints, as well as working with contractors to ensure the proper devices are installed. You also develop and implement preventive maintenance plans and decide which materials to order to ensure adequate inventory for performing maintenance on locking systems. You further indicated that you fabricate your own parts whenever possible. Though not exact, these responsibilities are similar to the level of typical work examples described in the Locksmith Supervisor class specification. Based on the level, scope and diversity of the overall duties and responsibilities of your position, the Locksmith Supervisor classification is the best fit.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Tina Cooley, DOC
Joanne Harmon, DOC

Enclosure: List of Exhibits

PAUL HAMPTON v DOC

ALLO-08-105

Exhibit List

A. Filed by Paul Hampton:

1. Director's Review Request form, December 23, 2008
2. DOC's allocation determination, December 1, 2008.

B. Filed by Joanne Harmon (DOC) February 23, 2009:

1. Position Description, dated April 9, 2007
2. Position Review Request, date stamped April 9, 2007
3. Desk Audit May 5, 2008
4. Class Specification Locksmith (class code 615E)
5. Class Specification Locksmith Lead (class code 615F)
6. Class Specification Maintenance Mechanic 1 (class code 626J)
7. Class Specification Maintenance Mechanic 2 (class code 626K)
8. Class Specification Maintenance Mechanic 3 (class code 626L)
9. Class Specification Maintenance Mechanic 4 (class code 626M)

C. Exhibits filed by Paul Hampton on February 23, 2009:

1. Letter dated February 17, 2009 from Clyde Hampton in response to DOC's reallocation.
2. Allocation determination letter, dated December 1, 2008 (Duplicate of A-2 above).
3. Email from Edwin Reetz to Clyde Hampton regarding assignment of work
4. Position Description for position #52G –Douglas Campbell MM 4 (Demonstrative of Mr. Hampton's argument)

D. Other Class Specifications:

1. Locksmith Supervisor (class code 615G)
2. Abolished Locksmith Supervisor (prior to July 1, 2007 – class code 70140)
(For reference)
3. Abolished Locksmith Lead (prior to July 1, 2007, for Higher Education – class code 5376) (For reference)